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U.S. Courts
Rec'd _____ Filed _____

SEP - 2004

Cameron S. Burke
Clerk, Idaho

12 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

14 UNITED STATES OF AMERICA,)

15 Plaintiff,)

16 vs.)

17 ILDEFONSO CASTILLO ARCADIA,)

18 Defendant.)
19 _____)

Case No. Cr. 03-254-S-EJL

AFFIDAVIT IN SUPPORT OF MOTION
FOR A §5K3.1 DOWNWARD DEPARTURE

20 COMES NOW the United States of America, by and through Wendy J. Olson, Assistant United
21 States Attorney for the District of Idaho, and hereby deposes and says:

22 1. I am the Assistant United States Attorney assigned to the Ildefonso Castillo Arcadia case.
23 As a result of my involvement in the case, I know that on July 29, 2004, the defendant entered a guilty
24 plea to the Indictment which charged him with illegal re-entry into the United States, in violation of 8
25 U.S.C. § 1326(a),(b)(2), and 6 U.S.C. § 202(3),(4) and 557. The government agreed to recommend a
26

AFFIDAVIT IN SUPPORT OF MOTION FOR A §5K3.1 DOWNWARD DEPARTURE - 1

1 departure of two levels in exchange for the defendant's agreement to a stipulated administration
2 deportation.

3 2. As a part of the United States Attorney's Office's approved fast-track program, the
4 government hereby recommends a two-level downward departure from the applicable guideline
5 sentencing range in return for the defendant's concession of deportability and agreement to accept the
6 reinstatement of a final order of deportation, exclusion or removal upon his release from custody in this
7 case. The government makes the motion pursuant to U.S.S.G. § 5K3.1, which provides, in pertinent part,
8 that the court may depart downward not more than four levels "pursuant to an early disposition program
9 authorized by the Attorney General of the United States and the United States Attorney for the district
10 in which the court resides."

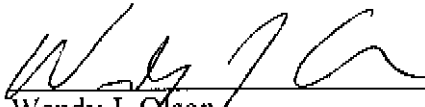
11 3. In this case, the United States is recommending a two-level departure based upon the
12 defendant's agreement to be summarily deported upon his release from custody. The government saves
13 significant resources resulting from the combination of the fast-track plea and the uncontested
14 reinstatement of an order of deportation, exclusion or removal, including reduced expenses for
15 conducting hearings and for housing and transporting the defendant pending hearings in both district
16 court and immigration court. Moreover, such plea agreements allow the government to effectively deport
17 criminal aliens from the United States as expeditiously as possible without overburdening the Bureau of
18 Immigration and Customs Enforcement with needless, time-consuming hearings.

19 4. Based on a total offense level of 13 and a criminal history category of IV, the guidelines
20 range is 24-30 months. The United States' motion would reduce the offense level to 11 with a guidelines
21 range of 18-24 months.

1 ACCORDINGLY, based upon all of the above, the United States moves this court to downward
2 depart from the defendant's calculated 24-30 months range to a range of 18-24 months to reflect his
3 agreement not to contest the reinstatement of an Order of Deportation, Exclusion or Removal.

4 DATED this 30 day of September, 2004.

5 THOMAS E. MOSS
6 United States Attorney
7 By:

8 
9 Wendy J. Olson
10 Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3 day of September, 2004, a copy of the foregoing
AFFIDAVIT IN SUPPORT OF MOTION UNDER U.S.S.G. §§ 5K3.1 was served by:

☐ United States Mail, postage prepaid

☐ Hand-delivery

☐ Facsimile transmission (FAX)

☐ Federal Express

upon the following person(s):

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Federal Defender of Eastern Washington and Idaho
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